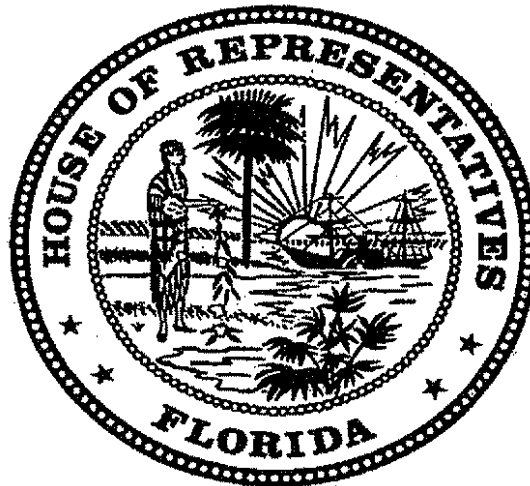


Maintaining Family Contact When a Family Member Goes to Prison

**An Examination of State Policies
on Mail, Visiting, and Telephone Access**



Florida House of Representatives
Justice Council
Committee on Corrections
Representative Allen Trovillion, Chair

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I. INTRODUCTION

In the last ten years, the number of people incarcerated in Florida has almost doubled, rising from 33,681 in 1988, to 64,713 in 1997. As correctional populations increase, so do the number of people, adults and children alike, who are undergoing the experience of having a family member in prison. Thousands of families across Florida are traveling to visit their loved ones in prison, sending money for the inmate to purchase letter writing materials, accepting collect telephone calls and sending and receiving mail. This report examines the government policies which impact these families and the government services received by these family members as they seek to maintain contact with their child, sibling or parent who is incarcerated.

According to the department, at least 95% of Florida's prison population will at some point return to the community. In recognition of this reality, the state implements programs which prepare the offender for a successful release, such as substance abuse treatment, educational programs or job training. Although substance abuse treatment, education and job skills may enhance the offender's likelihood of a successful release, probably most important is for released offenders to have someone who will give them guidance and support when they are released. For this reason, families can be a valuable community resource for assisting in an offender's successful reentry into the free world. In fact, research has shown that having a family to return to is one of the most important factors in a released inmate's success.

Although family and community contacts can play a very important role in helping released offenders avoid returning to prison, this report will show that the state has neglected this valuable resource and has in the last few years erected many impediments for families who strive to maintain meaningful contact. In addition, this report will show that there is a remarkable absence from the rehabilitation programs offered of any large scale programs aimed at family services, improving visitor services or assisting the offender to understand and maintain positive family relationships. In contrast to the absence of visitor services or programs in Florida, this report will inventory the diverse and innovative programs operating in other states.

Finally, this report will document the financial burdens borne by family members with loved ones in prison and the extent to which families substantially subsidize the correctional system through their indirect contributions to the inmate welfare trust fund. In addition to having to adjust for the lost income from the inmate, families also must take on many additional expenses just to keep in touch with the inmate. Families must supply the inmate with writing materials, accept collect telephone calls at high rates, and travel all over the state to visit.

Hopefully, the findings and recommendations in this report will be of use to state leaders in both the executive and legislative branch of government by illuminating the complex and emotionally-laden corrections and family issues presented here. At best, perhaps, this research will serve as the impetus for the state to provide real customer service improvements to families and to "think outside of the box" as it attempts to remove some traditional and bureaucratic constraints to family reunification and to reduced recidivism.

- Finding 16** Although an important and necessary security measure, the pat down search **can** be a degrading and humiliating experience. Ninety percent of the visitors surveyed said they undergo a pat down **search** every time they visit.
- Finding 17** Most visiting areas have **nothing** for children **to** do during visiting. Only five institutions provide **anything** for children. All five have **either** toys or **books** or both available for children inside the visiting area. One of these five, a private facility, **also has** a small outside playground area.
- Finding 18** When visiting areas are **not** modified to **accommodate** children, the visiting experience can be difficult for everyone involved - the child, the parents, **and the correctional officers** - as small children are expected to sit quietly for up **to six** hours. Fifty-two percent of the officers surveyed think that it **is** inappropriate **to** even bring children to visit a family member **in** prison. However, 17 **officers** independently suggested that if children are **to** be allowed, the institution should provide some sort **of** activity for them, such as a **VCR, toys** or a playground.
- Finding 19** According to the survey, visiting **area** vending machines **can** be costly, **contain** unhealthy **food**, and are often empty before the visiting time period is over. The **correctional** officers surveyed repeatedly reported that difficulties associated with vending machines are a major problem in the visiting **area**.
- Finding 20** According to the survey, correctional officers perceive the lack of assigned **staff to be** the biggest problem in **the** visiting **area**. Seventy-two percent of **correctional** officers surveyed **believe** that the visiting area is understaffed.¹
- Finding 21** One out of every four Visiting areas does not have **enough** seating to accommodate the maximum capacity of visitors.
- Finding 22** Ninety-three percent of **correctional officers** surveyed view the property restrictions in the visiting area as effective. Although these restrictions have reportedly **made** controlling contraband less **burdensome** for **correctional officers**, they have **also** had an **impact** on families, who complain they can **no** longer bring family meats or toys or coloring books **on** children.

¹ Committee staff did not attempt to determine whether this was a result of insufficient full time employees or inappropriate post assignments.

V. FAMILIES MAINTAIN CONTACT WITH TELEPHONE CALLS

One of the simplest ways to keep in touch with a family member in prison is by using the telephone. Sixty-eight percent of the family members surveyed report that they receive a call from the inmate at least once a week.

A. Rules for Using Telephones

In the correctional phone system, each institution provides inmates access to a number of telephones on which calls may be made to pre-approved numbers outside the institution. There is a total of 1,224 telephones for inmate use statewide. This allows for an average of one telephone for every 48 inmates, although institutions range from providing one for every 19 inmates, to one for every 158 inmates.¹ Phones are usually located in common areas, such as in dormitories, day areas and recreation yards, and inmates line up or sign up for a turn to place a call. Family members surveyed have reported that these locations for the telephone can be an impediment to communication, as such central areas are often quite noisy, making it difficult for family members to talk and listen, and generally restricting the quality and content of the phone conversation.

Inmates may not receive incoming telephone calls, and all outgoing calls must be made collect.

Inmates may not receive incoming telephone calls, and all outgoing calls must be made collect. Superintendents are authorized to use their discretion to award telephones privileges in excess of those provided for by the rules of the department. The specific procedures for making telephone calls are for the most part determined by individual superintendents. Typically, inmates have access to the phones during their off duty hours, often from 5:00 P.M. - 1000 P.M. on weekdays, and from 8:00 A.M. - 1000 P.M. on weekends and holidays?

1. Inmates Must Develop Approved Calling Lists

In the interest of public safety and internal security, inmates may only call numbers that are on the inmate's approved calling list. When inmates arrive at a permanent institution, they may submit a list of up to ten names and numbers that they would like to be able to telephone. The list is compiled by institutional staff and may be updated at six month intervals throughout incarceration. The department reports that, by allowing inmates to call only approved numbers, the opportunities to engage in telephone scams or make other types of unwanted calls are immensely reduced.

¹ In addition to complaints about limited access, family members visiting a particular Florida institution, Dade C.I., noted that telephones are frequently out of order, often for long periods of time. This may be attributable to summer electrical storms, but hinder communication nonetheless.

² However, inmates who are in administrative or disciplinary confinement, are not normally allowed to use the telephone except in cases of emergency or for legal access when alternative means of access are not feasible.

Although **certain reasons** for requesting a **special** visit occur frequently, all **institutions** do not recognize the same **justifications**. For example, some will consider allowing a special visit while a visitor is awaiting approval for the inmate's visiting list, while others **specifically** prohibit such visits. The following is a sample of justifications that **are** acceptable at some institutions:

- Visitor travels a long distance. The acceptable distance varies by **institution**, from **250** miles to at least 500 miles.
- Visitor does not visit **often** enough to be included **on** the inmate's visiting list.
- **Visitor** is currently under consideration for inclusion **on** the inmate's approved list.
- Visitor's work schedule **conflicts** with visiting schedule.
- Inmate is in the infirmary, or other type of special **status**.

Of the **family members who** have requested a **special** visit, **51%** reported that their **request** was granted.

C. Procedures and Conditions for Visiting

1. Visiting Information for Prospective Visitors

The rules of the department require **each** institution to develop visitor information sheets **summarizing** the basic visiting procedures and roles, **and** providing unique information about the local facility.⁷ The rules further require **that this** information sheet be "**made available** to the inmate **within 24 hours after** arrival at **the** facility" so that a copy may be included in correspondence from the **inmate** to prospective visitors. Additionally, the superintendent must post all policies regarding visitors **at** the entrance of the institution and in the visiting area and provide copies **on** request.

"I would have liked to have been **sent information on visiting --- I** never received **anything** except **this survey** in more than four years."
-- **Surveyed family member**

Institutions **rely on** inmates **to** send visitors the visiting rules. However, when an inmate fails **to do** this, it is the visitor **who** is adversely impacted, **driving hours** only **to find out that** it is the wrong visiting day or time.

It is generally the inmate's responsibility to ensure that visiting information **is sent to** prospective visitors. However, inmates may not always follow through with **this**. When an inmate fails **to inform** family members about the rules of **the** institution, it is the family members who are adversely **impacted**, **driving hours** only **to find out that** they have wme **on** the wrong visiting day, or **at** the wrong time. A common complaint heard from family members **was**

⁷ Rule 33-5.008(1), F.A.C. Information to be included on the sheet includes the address, phone number, directions, information about local transportation, days and hours for visits, the dress code and identification required, items that are authorized in the visiting room, special rules for children, and information about special visits.

that they felt ~~uninformed~~ about the visiting procedures at different institutions. Sixteen respondents independently ~~stated~~ that advance information on visiting policies would be helpful. Even correctional officers remarked ~~on~~ the visitors' ~~lack~~ of understanding of the rules, and ten officers who work the visiting park independently recommended that ~~the~~ institution should provide every approved visitor with a copy of the institutional visiting policies. Fourteen officers listed visitor unfamiliarity with the rules ~~as~~ a major problem in the visiting ~~area~~.

"Family members approved for visits should receive a copy of ~~the~~ visitation rules from the institution - ~~this should~~ not be left up ~~to~~ the inmate."

-- Surveyed correctional officer

According to ~~the~~ **survey**, officers are being forced to turn visitors away daily " because they are ~~wearing~~ the wrong ~~clothes~~, have ~~arrived~~ on the wrong visiting day, have not been approved to visit, or do not have appropriate identification. ~~Officers~~ even reported ~~turning~~ visitors away because the inmate they had arrived to visit had ~~been~~ transferred or was at ~~an~~ outside hospital! Therefore, it seems ~~that~~ visitors ~~are~~ not only unfamiliar with the visiting rules, but ~~may~~ at times even be unfamiliar with the status of their family member.

This confusion over the visiting rules is enhanced by ~~what~~ appears to be a ~~lack~~ of consistency in application. Many of ~~the~~ rules require ~~officers to~~ make a subjective interpretation, such ~~as~~ whether an outfit meets ~~the~~ dress code, or whether a certain article of personal property is allowed in the visiting area. Fifty-three percent of the ~~officers~~ surveyed believed visiting rules must be followed exactly ~~as~~ written regardless of the circumstances, while the remaining forty-seven percent felt that officers should use their best judgement and consider ~~the~~ situation in applying visiting rules. One officer reported ~~disliking to~~ work in the visiting ~~area~~ because it is run very differently from week to ~~week~~. depending on which officer is in charge. Overzealous officers and inconsistent application ~~of~~ the rules were independently described ~~as~~ problematic by ~~nine~~ surveyed correctional officers.

Confusion over the visiting rules is enhanced by what appears to be a lack of consistency in application.

2. Traveling to the Institution

Every family visit begins with some ~~sort~~ of travel. For some families, the trip ~~to the~~ institution can be as ~~short~~ as 20-30 miles. For example, a woman living in Miami may have her ~~son~~ incarcerated in nearby Dade **Correctional** institution. However, the department may move her ~~son~~ to Century Correctional Institution, ~~for example~~, in the panhandle. This relocation would require the inmate's mother to drive **700 miles** in order to visit. Even a trip from Orlando would ~~be~~ roughly 480 miles. Because visiting hours begin ~~between~~ 8:00 A.M. and 9:00 A.M., even a simple four hour trip would require family members to leave home by 4:00 A.M. in order to ~~arrive~~ at the institution ~~on~~ time.

⁸ For examples of the many reasons families are turned away, see Appendix 7.

"It is very difficult and stressful to drive to the Prison and back in one day. I can not afford to stay over night and divide the trip into two days."

-- Surveyed family member

A related issue is the family member's ability to get to the Visiting area at all. An ACA accreditation standard requires that information about transportation be provided to visitors by the institution. Furthermore, the standard requires that transportation between the institution and nearby public transit terminals should be facilitated by the institution. Finally, it encourages institutions to try to provide transportation for visitors, particularly when transportation costs are significant.

In accordance with this standard, the rules of the department require institutions to post a schedule of public transportation information in a place easily accessible to visitors and inmates. Such information should include cost of services, phone number and locations. On one site visit, staff located the posted information on the bulletin board in the visiting area. Three bus services were listed, however, none of the phone numbers offered were current.

3 Visitors Must Check-in for Visits

In order to insure compliance with institutional and department rules, all visitors must go through a registration procedure prior to entering the visiting area. Depending on the institution, and the specific Visiting day, this can either be a somewhat swift process or require an extensive wait.

a Waiting to Be Processed

As the hour approaches for the visiting area to open, visitors who have arrived early begin to line up for processing. These lines can be extremely long, especially at large institutions closer to urban areas, and sometimes up to two hours is spent just waiting in line outside the institution. The most frequent complaint made by surveyed family members was that visitor check-in is too slow.

The most frequent complaint made by surveyed family members was that visitor check-in is too slow.

In addition to the visiting time that is lost, this time spent standing in line can be extremely uncomfortable as it is typically done in an area that is not designed for such waits. Having to wait outside in bad weather conditions was also a frequent complaint of family members. The outside waiting area may or may not have seating, or even shelter, as thirty percent of the

institutions do not provide a covered waiting area. As a result, families, including children, elderly visitors and disabled visitors, are left to stand outside in the heat or rain, possibly for up to two hours. Twenty-five percent of the institutions do not even have restrooms available to the visitors in this waiting area.

"Visitors, including elderly and handicapped visitors, must wait outside in all weather conditions with no shade, water or restroom facilities."

-- Surveyed family member

Generally, although the visitors line up early, they are not checked in until visiting hours officially begin.

However, in recognition of the visiting time lost during processing, at least 12 **state** institutions and two private facilities allow **officers** to begin registering visitors **anywhere** from **15 to 45 minutes** before visiting begins, although inmates are not called until the **official** visiting hours begin.

b. Providing Identification

After waiting in line, visitors are processed through security. **Each** adult visitor must first **present** the registering officer with valid picture identification and name the inmate they will visit. Because the visiting registration system is not **computerized**, the **officer** must then look **through** cardboard boxes containing every **inmate's** approved visiting list in order to pull the **list** for the requested inmate? The **officer** then uses the identification to insure that the prospective visitor **is** listed on the inmate's **approved** Visitor **list**.⁹ The officer also **checks** the inmate's approved list to determine whether the inmate's visiting rights are "restricted by **statute**," **as** a sex offender, prohibiting the inmate from receiving visits from minors. Upon approval, the visitor's **hands** are stamped in a location that changes daily. **This** stamp is **verified** under a black light at the conclusion of the visiting hours.

c. Meeting the Institutional Dress Code

During registration, **officers** also determine whether visitor attire is acceptable under the **institutional** dress code. Correctional officers **reported** that the most common reason for sending a visitor away **was for** improper clothing, including inappropriate shoes or lack of an undergarment. The rules of the department provide that visitors will not be **admitted** if "they are not appropriately clothed or are dressed in revealing attire," including **miniskirts**, **see-through** blouses, bra-less attire, **tank** tops, swimsuits, shorts, **undershirts** and other like attire. However, individual institutions are authorized **to** expand **on this** definition.

Because the **institutional** dress code varies **by** institution, and **because** the requirements may be applied differently by different officers, family members may be uninformed and **confused** regarding what is acceptable. For example, some institutions allow visitors to wear shorts, **provided** that they are not tightly **fitted**, while other **institutions** add **that** such shorts may not be shorter than **two** inches above **the** knee. At least seven institutions prohibit shorts entirely.

More important, if the inmate **has** not mailed the visitor a copy of the visiting **procedures**, the Visitor may be completely **unaware** **of** the **dress** code, at least **on** the first visit. Some **institutions** address **this** problem by making **snacks** available to visitors who arrive **dressed** inappropriately. Visitors may also return to their **vehicle** to **change** clothes, although **this** may **require** the visitor

⁹ The department is currently in the process of computerizing data relating to inmate visiting, including approved visiting lists and records of visits.

¹⁰ Generally, if a visitor can not produce acceptable identification, the officer notifies the shift supervisor, who may permit the visitor to enter if satisfied that the person is on the approved visiting list or otherwise has a legitimate reason to visit. On these occasions, a note is generally attached to the inmate's visiting card and the visitor is instructed to ensure that proper identification is brought on future visits.

to return to the end of the processing line. Eighteen percent of the officers surveyed stated that dress code issues are one of the biggest problems in the visiting area.

Exhibit 15

EXAMPLES OF DRESS CODE RESTRICTIONS AT SOME INSTITUTIONS	
No headgear (caps or scarfs)	
No stylishly torn, unclean or frayed clothes	
No white T-shirts worn as outer garments	
No tight T-shirts	
No culottes (although skorts are acceptable)	
Nothing that is "emotionally enticing to the inmate"	

d. Restricting Items That May Be Brought Inside

During registration, visitors are also told what items may be brought into the visiting area. Section 944.47 F.S. prohibits the introduction of the following items into state correctional institutions, except through regular channels as authorized by the officer in charge:

- written or recorded communications;
- currency or win;
- articles of food or clothing;
- intoxicating beverages;
- controlled substances or other medicines; or
- firearms or weapons of any kind.

The rules of the department further provide that visitors may not:

- give cash or currency directly to any inmate; or
- give any items of any description to an inmate, unless authorized by the officer in charge.

Individual institutions may provide additional restrictions on what visitors may bring into the visiting area, and such restrictions vary widely from institution to institution. For example, all institutions allow visitors to bring in cash for the canteen or vending machines, however the amount allowed may vary from \$10 to \$50. Some institutions allow visitors to bring in unopened tobacco products, while others require that tobacco products be bought in the canteen.

Ninety-three percent of correctional officers who work the visiting area feel that these restrictions on what may be brought into the

Ninety-three percent of correctional officers who work the visiting park feel that restrictions on what may be brought into the visiting park have made their institution more secure.

visiting area **have** made **the** institution more secure. However, the restrictions may *also* be appealing to officers because they have allowed officers to spend less time **searching** visitors and **inventorying** visitor property, freeing them up to do other duties or process visitors more **quickly**, **possibly** making their **jobs** easier. The officers **surveyed** listed the **following** restrictions as the most effective:

- property restrictions;
- **toy restrictions;**
- **food restrictions;**
- requiring tobacco products to be sealed;
- requiring bags and purses to be clear; and
- religious material **restrictions.**

Exhibit 16

EXAMPLES OF ITEMS PERMITTED AND PROHIBITED IN VISITING AREAS	
Items Permitted At Some Institutions	Items Prohibited At Some Institutions
Wallet	Newspapers, other printed material
Small purses	Purses
Baby bottle (from 1-4)	Toys, playing cards, games
Baby food	Gifts
Diapers (Some require hand held)	Personal pager or cellular phone
Baby blanket	Baby blanket
Baby carrier	Baby carrier or stroller
Clear baby bag	Diaper bag
Pen	
Medication - only nitroglycerin	

Source: Institutional Operating Procedures

e. Visitors Must Undergo a Search

After registration, but before entering the visitor area, visitors are generally searched. Visitors may be required to submit to a search of both their person and possessions as a condition of admittance to the visiting area. Visitors are not forced to undergo a search, but a refusal is grounds for denial of both the current visit and future visits.

i. Routine Pat-down Search

Generally, routine searches include:

- A search, inside and outside, of any hand carried items;
- A touching of the hair and scalp;
- A visual inspection of ears, nose and month;
Removal and search inside shoes and gloves;
Removal of any outer wear worn over the first layer of exterior clothing;
A visual inspection and touching of the interior and exterior of outer wear, including pockets;
- A visual inspection and touching of the first layer of exterior clothing over underwear;
- A touching of the clothes worn next to the body, such as stockings and socks, using pressure: and
- Use of metal detection devices.

Ninety-six percent of the family members surveyed reported being pat-searched every time they visit. During a routine pat-down search, a visitor may be subjected to touching in the crotch and/or genital area. Even though such searches are performed by an officer of the same sex, for the average visitor, a fifty year old mother, such contact can be both demeaning and humiliating, especially when officers may not be very sensitive to the delicacy of the situation.

ii. Strip Search

If an officer has specific factual reasons to suspect that a visitor is concealing contraband, and the suspicion can't be resolved with a less intrusive search, then a strip search may be conducted.

However, a shift supervisor must first approve the search after evaluating the grounds asserted to justify its necessity. Furthermore, the visitor must sign a written consent to the strip search. If the visitor refuses to consent to a strip search, the visit may be denied. Strip searches must be performed by an officer of the same sex as the visitor. Only five percent of the survey respondents reported having been strip searched at a visit.

Ninety-six percent of family members surveyed report that they are pat-searched every time they visit, while only five percent report being strip searched.

iii. Body Cavity Search

Under the rules of the department, body cavity searches may never be authorized. If a strip search is insufficient to resolve suspicions about the visitor, then the visitor must be denied admission.

f. Visitors Enter the Visiting Area

After being searched, the visitors are then sent on to the visiting room, where they may wait while an officer notifies the inmate that a visitor is waiting. At this point, it reportedly may be anywhere from five minutes to more than an hour before the inmate arrives at the visiting area.

Upon notification, the inmate reports to the visiting ~~shakedown~~ officer outside the visiting area to be searched. This officer maintains a log ~~on~~ all inmates entering and departing the visiting area, including ~~an~~ itemized list of each inmate's personal property brought in. Upon termination of the visit, the inmate must return to the compound with no more ~~and no fewer~~ items than were initially declared. Reportedly, upon departure, inmates are almost always ship searched in order to insure that inmates return to the institution with nothing more than what was initially on the itemized list.

4. Conditions of the Visiting Area

Visiting pavilions ~~are~~ funded (staffed and operated) ~~through~~ the inmate welfare trust fund.¹¹

a. Physical Layout of the Visiting Area

Most ~~institutions~~ have both ~~an~~ inside and ~~an~~ outside visiting area. Inside, there are generally rows of tables and chairs in a room with concrete block walls and concrete floors without carpeting.¹² This inside room can be quite loud when full of inmates, children and visitors.

The rules of the department state that the visiting area should be "furnished informally whenever possible and should have small tables, chairs and other informal furnishings." Of the 54 institutions, four do not have tables in the visiting area. Furthermore, one out of every four institutions report that they do not have enough seating to accommodate the maximum capacity of visitors.

b. Physical Contact *With* the Inmate and Displays of Intimacy

~~Because~~ contact visiting is generally allowed in Florida institutions, most visiting areas do not separate the inmate from the visitor with a partition.¹³ Inmates are allowed one embrace and kiss with the visitors at both the beginning and end of the visit. For the most part, additional physical contact is not permitted during the course of the visit. However, some institutions allow "discrete physical contact" or hand-holding, provided such contact is within good taste. Open and gross lewdness or lap sitting are prohibited, although some institutions allow small children to sit on the laps of their parents. Thirty-three percent of the officers surveyed listed inappropriate contact as one of the major problems in the visiting area.

Thirty-three percent of the officers surveyed listed inappropriate contact as one of the major problems in the visiting area.

¹¹ §945.215, F.S.

¹² Ninety-two percent of the institutions have concrete block walls. Every institution has concrete floors.

¹³ Although most inmates may have contact visits, inmates who are classified as close management I or close management II may only have non-contact visits. Rule 33-38.003, F.A.C.

In spite of the general policy of allowing contact visitation, the department recently passed a rule increasing an institution's ability to place an inmate in non-contact visiting status in order to "maintain the security and order of the institution."¹⁴ Inmates may now be placed in non-contact visiting status based on:

- The past behavior of the inmate and visitors during visitation;
- The inmate's history or drugs, contraband, violence, and rule violations during visiting; Evidence that the inmate possessed, sold, or transferred drugs or alcohol;
- The inmate's confirmed membership in a certified security threat group; or
- A positive urine test result for drugs or alcohol.

Aside from the necessarily restrictive setting, non-contact visits are also limited to only two hours. Five correctional officers who work the visiting area have recommended that non-contact visits should be the only form of visit allowed for all inmates.

Five correctional officers who work the visiting area have recommended that non-contact Visits should be the only form of visit allowed.

5. Other Aspects of Visiting With the Inmate

Because of the restrictions on what may be brought into the visiting area, families are somewhat limited as to what they may do during the 6-hour visiting period. For example, in most institutions, visitors may not bring in family games, art or Writing materials, photographs, or family dinners. Some family members even reported being prohibited from bringing in Bibles and other religious materials.

Furthermore, although 58% of the survey respondents stated that they would lie to participate in family counseling with the inmate, only six percent said that such programs were in existence at the institution visited, and it is unclear whether any of these even allow the participation of outside family members. As a result, visitors typically spend most of the visiting time talking with the inmate. When the inmate's children, especially small children, are visiting, this lack of activity can create problems and tensions between the visitor and officers

a. Children Visit Inmates

Children are a very prominent feature in the visiting areas. Forty-five percent of the inmates in Florida have one or more minor children, and seventy percent of the family members surveyed said that the inmate's children currently visit the inmate. There are currently no limits on the number of children that may visit an inmate at one time, and approved visitors may bring their own children, even if the child is not related to the inmate. In spite of

"Children should be allowed to at least have crayons and paper to keep them occupied."
-- Surveyed family member

¹⁴ Rule 33-5.0081, F.A.C.

their consistent presence, little has been done in Florida to accommodate visiting areas for the presence of children.

The rules of the department require that children in the visiting area must remain under the control of their parents at all times. However, as many family members and correctional offices remarked, it can be difficult to maintain good behavior in children for a six hour visit when there is nothing to keep them occupied. For security reasons, most institutions prohibit children from bringing toys, books or games into the visiting area. Although such objects could occupy the child, they also reportedly provide a potential hiding place for contraband. With nothing to do, children are expected to sit quietly at the table with their parents.

"It is almost impossible to maintain a child who has to sit in the same place for five to six hours."
 Surveyed family member

In response to this problem, five institutions have instead provided toys or books for children in the visiting area. One of these institutions, a private facility, has even developed a small outside playground area. For the most part, however, institutions are doing very little, if anything, to encourage parents to interact with their children, or to even assist parents in keeping children occupied during visiting hours. Ninety-three percent of the institutions in Florida have made no attempts to accommodate children in the visiting area.

"Small children usually run around all day because their parents are focused on seeing their loved one - but this makes our job much harder when we have to repeatedly ask the parents to supervise their children."
 -- Surveyed correctional officer

Correctional officers are also keenly aware of this problem, listing "restless and misbehaving children" as one of the major problems in the visiting area. However, correctional officers may view the problem from a different perspective, as children in the visiting area can make supervisory duties all the more difficult. Officers must insure that children are controlled by their parents, and that bored children do not bother other visitors, or behave in a manner that could cause injury to themselves or someone else. Officers also

expressed concern over the possibility of sex offenders in the visiting area having contact with other people's children. In fact 52% of correctional officers who work in the visiting area feel that it is inappropriate to even bring children to visit a family member in prison. However, if children are not to be completely prohibited from the visiting area, 30% of officers suggested that activities for children should be provided, such as toys, a VCR with cartoons, or a playground. Other suggestions included:

- Limit the number of children per inmate or visitor;
- Prohibit children from visiting;
- Prohibit young children from visiting;
- Require more supervision by parents;
- Permit visits by only the inmate's children; and
- Designate visits from children as special visits and isolate them from other inmates.

b. Food Availability During the Visit

For families separated by incarceration, sharing a meal can be a meaningful experience, a replication of an everyday occurrence that families on the outside generally experience together. Although allowed in the past, institutions now generally prohibit visitors from bringing home-cooked meals or other food into the visiting area for security reasons- it is reportedly very difficult to find contraband such as weapons and drugs in food. Therefore, in light of this prohibition, each institution makes food available during visiting hours through either an inmate operated canteen, vending machines, or a combination of both.¹⁵ All profits derived from these operations are reportedly deposited in the inmate welfare trust fund, although the law is less than precise on this point.

"When I started in 1976, visitors could bring in food. A lot of contraband, mostly drugs, were found hidden in the food."

-- Surveyed correctional officer

With little else to actively participate in together, sharing a meal is a common activity in the visiting area. Furthermore, it is the only means of eating for the six hours of visiting, as most institutions do not allow visitors to leave the institution and return later that day.

"Vending machines are costly, the food items are unhealthy and the machines are usually empty before the visiting time period is over. There is no milk or juice for children."

-- Surveyed family member

Because food is such a common part of the visiting area, it can also be quite problematic

Twenty-seven family members commented on difficulties with food service in the visiting park, primarily in institutions offering only vending machines. According to these family members, vending machines are often empty before visiting hours are over. Furthermore, they reported that vending machines break down frequently and

offer a very limited selection of food. The choice of food was of particular importance to visitors with children. Several parents commented that it was very difficult to find healthy food suitable for children in the vending machines, pointing out that the inundation with sugary junk foods made the children even more restless.

Correctional officers agreed that food service was problematic, and fifteen percent listed vending machine complications as a major problem in the visiting area. Vending machines are typically operated by private companies. Therefore, correctional officers are unable to personally deal with problems with the machines as they arise, although the visitors look to them for relief.

Fifty-seven percent of the officers stated that canteens were the better means of providing food in the visiting area. Although canteens can provide fresher food and more variety, they are also

¹⁵ Twenty-four institutions have a canteen, thirty-seven institutions have vending machines

associated with problems. Because **canteens** are operated by an inmate, **the** canteen **puts** inmates in a position of accepting money, and possibly other objects, from visitors. Furthermore, canteens require visitors to wait in yet another line as a part of the visit.

c. Families and Inmates Attending Sunday Services Together

Although becoming less common, sixteen **institutions** continue to allow visitors to attend the institutional worship service together with the inmate. (See Appendix 8) This opportunity was one of the positive visiting programs offered by the department that family members described. Although the rules of the department still afford superintendents the discretion to authorize such services, it appears that the statewide trend has been to end such services because of staffing limitations and security concerns.

"Attending chapel services on Sunday morning while visiting should be permitted as it was previously very meaningful to the family."

-- Surveyed family member

Sixty-one percent of the officers surveyed said joint worship services with visitors are a security threat. However, this may be because many institutions do not assign security

Sixty-one percent of the officers surveyed felt that allowing family members to attend worship services with the inmate creates a serious security threat. However, this may be related to the fact that many institutions do not assign security officers to the service. These officers point out that allowing joint worship during visitation creates a contraband problem, and that when security officers are not

assigned to the chapel for such joint worship, visitors have unsupervised contact. On the other hand, 39% of the officers felt that such joint worship does not create a serious security threat, agreeing that, with the proper security measures, a worship service that includes visitors can be a positive program.

d. Taking Family Photos in Visiting Area

Visitors are generally not allowed to bring cameras into the visiting area without the express consent of the superintendent. However, at some institutions, an inmate photographer is available to take family pictures for both the inmate and the visitors. Several family members commented that the institution that they visit recently ended the privilege of having a picture taken, even though that privilege had been very meaningful, especially in families with children.

"Taking pictures with family members isn't allowed anymore, while children are born and people die and there are no memories to look at"

-- Surveyed family member

6. Correctional Officers Staff the Visiting Area

At most institutions, officers are assigned to work the visiting area by the shift commander. Positions in the visiting area are not considered "critical posts" and are therefore staffed by

officers who would otherwise be working in another area of the institution. Because the administration **may** be hesitant to draw staff away from other **institutional** posts, the visiting area may often be understaffed.

Seventy-two percent of the officers surveyed **reported** that there **are** not enough officers working in the visiting area. In fact, **lack** of staff was **the** most frequently listed major problem in the visiting area. **This** lack of staff may contribute to the slow registration process. As a **result**, **officers** may **also** be more inclined to support restricting the visiting environment to only the bare necessities, **as this** makes the job somewhat more manageable.

Exhibit 17

TOP PROBLEMS REPORTED BY CORRECTIONAL OFFICERS IN THE VISITING AREA
Lack of staff
Contraband
Restless and misbehaving children
Inappropriate physical contact
Disrespectful visitors
Officer/Supervisor inconsistency and bias
Visitor unfamiliarity with rules
Dress code infractions and ambiguity
Problems associated with vending machines
Lack of space
Sex offender contact with other visitors

Source: Survey conducted by committee staff

Working in the visiting area can be a very different experience from other institutional posts. Visitation is one of the rare instances in which officers interact with people who are neither inmates nor correctional personnel. Many officers report that they value this chance to develop different skills, stating that they enjoy the opportunity to work with and meet the public and the families of the inmates.

Visiting hours are one of the rare instances in which officers interact with the general public, people who are neither inmates nor correctional personnel.

However, even though most assigned officers enjoy working in the visiting park, approximately a fourth do not. These officers explained that visitors do not understand the security justifications behind the rules and therefore frequently test them. One officer described visitors

as "hot, loud and obnoxious." Another termed the post "a boring and thankless job." These differing approaches to working in the visiting area may account for the seemingly tenuous relationship between a vocal minority of visitors and officers.

For the most part, both officers and families report that attitudes in the visiting area are generally positive - with 64% of the families reporting that officers were generally courteous, while 60% of the officers said the same about visitors. However, for the minority that felt differently, the problem seemed to be of great importance.

When asked to comment generally on the correctional system, 22% of the Visitors surveyed discussed the attitudes of officers, describing them as impolite, uncaring, rude, power hungry, unfriendly and having 'ad derogatory attitude. These visitors felt that they were treated "like dirt," or like criminals. And, in fact, 65% of the officers surveyed did not believe that visitors were generally honest, law-abiding citizens.

On the other hand, 31% of the officers said that disrespectful visitors were a major problem in the visiting area, and such visitors were a common reason given for not wanting to work in the visiting area. However, three correctional officers commented that visitors were not entirely to blame, pointing to overzealous correctional officers as part of the problem. Therefore, it seems that the problem is twofold.

"I think all Visitors should have an orientation procedure that informs them of our jobs and of their responsibilities."
 - Surveyed correctional officer

The department has, to some extent, recognized that working in the visiting area can be a very different experience from other post assignments, and has promulgated rules which provide that although security staff must maintain order, they must also maintain "a courteous attitude toward the inmate and visitor" and should not interfere in the visits unless there is a violation of the rules or other disruptions. Aside from the rule, little has been done to implement this policy, and officers do not receive any additional training for the unique complications of the post.

Officers need to receive some training on putting their biases aside when dealing with inmate families.
 - Surveyed correctional officer

Appendix 1

FLORIDA LEGISLATURE, HOUSE CORRECTIONS COMMITTEE SURVEY OF FAMILIES

Sample Size=608
N= 286 (47% Response Rate)

Please take a few moments to answer the following questions. Your responses will help the Florida House of Representatives study the burden that incarceration may place on families of inmates. Your responses will remain completely anonymous and confidential. Please return your responses by August 28, 1998, in the envelope provided. Thank you for your participation.

Q1. What is your relationship to the inmate you visit?

Child/Parent	54%	Other family member	13%
Spouse	15%	Friend/ Non-family	18%

Q2. Will the inmate live with you upon release?

Yes	75%	No	14%	Don't know	11%
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Q3. a What is your sex?

Male	22%	Female	78%
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b. How old are you?

18-30 years	14%	71+ years	11%	Average	50 years
31-50 years	36%	51-70 years	39%		

Q4. How often do you visit the inmate?

Once a week	27%	Once a month	17%	Other	15%
Twice a month	26%	Several times a year	15%		

Q5. Would you like to visit more frequently?

Yes	86%	No	14%
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Q6. How often do you receive mail from the inmate?

Once a week	40%	Once a month	11%	Other	20%
Twice a month	19%	Several times a year	10%		

Q7. How often do you send mail to the inmate?

Once a week	35%	Once a month	8%	Other	24%
Twice a month	23%	Several times a year	10%		

Q8. How often do you receive phone calls from the inmate?

Once a week	33%	Once a month	3%	Other	53%
Twice a month	9%	Several times a year	2%		

Q9. Which do you feel creates the greatest burden on families:

Travel to prison	34%	Loss of inmate's income	26%	Phone cost	16%
Inmate account cost	13%	Other	11%		

Q10. Do you work on weekends?

Yes	37%	No	63%
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Q11. How far are you from the prison?

0-49 miles	28%	100-249 miles	24%	400+ miles	9%
50-99 miles	26%	250-399 miles	13%	Average	158 miles

Q12. Do you own a car?

Yes	90%	No	10%
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Q13. Does the inmate you visit have minor children?

No	50%	Yes	50%
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Q13(a). If yes, how many minor children does the inmate have?

1 minor child	52%	3 minor children	15%
2 minor children	24%	4 or more minor children	10%

Average number of children per inmate with children	2.0
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Q13(b). How old are the children?

0-5 years	31%	6-10 years	32%	11-18 years	37%
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Mean age of minor children	8.7 years
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Q13(c). Did the minor children live with the inmate before going to prison?

Yes	66%	No	34%
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Q13(d). Will the children live with the inmate when he/she is released?

Yes	70%	No	30%
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Q13(e). Do the children visit the inmate?

Yes	70%	No	28%	Don't know	2%
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Q13(f). What do the children do during the visiting time?

Play with toys	3%	Play on playground	2%	Read books	2%
Talk with inmate	24%	Play with inmate	16%	Other	5%

Q14. Have you ever requested a special visit?

Yes 26% No 74%

Q14(a). Was special visit request granted?

Yes 51% No 49%

Q14(b). What was the situation?

Out of state visitors Conflict w/ assigned weekend Inmate in medical facility

Q15. Have you ever requested that an inmate be transferred closer to home?

Yes 31% No 69%

Q15(a). Was transfer request granted?

Yes 43% No 57%

Q15(b). What was the situation?

Disability/health problems Travel distance

Q16. Has your approved visitation ever been prevented because the inmate was not able to have visitors?

No 77% Yes 23%

Q16(a). If your visit was prevented, were you notified in advance or turned away at the door?

Notified prior to traveling 23% Turned away at the prison 47% Other 31%

Q17. Do you spend money on a monthly basis for any of the following:

EXPENSE	YES	NO	MONTHLY AMOUNT
Accepting phone calls	82%	18%	\$69.19
Spending money on stamps	74%	26%	\$12.04
Depositing money in inmate's account	84%	16%	\$83.63
Spending money on other items (travel, food and hotel expenses for visits)	28%	72%	\$110.25
TOTAL			\$275.11

Q18. How often are you pat searched prior to a visit?

Every time 96% Every other time 1% Never 3%

Q19. Have you ever been strip searched at a visit?

Yes 5% No 95%

Q20. Please circle the appropriate number to indicate your feelings concerning the statement below:

	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
a. I would like to participate in family counseling with the inmate at the visiting park.	35%	23%	27%	9%	6%
b. I feel safe in the visiting park.	52%	39%	7%	2%	1%
c. When visiting, most of my time during visiting hours is spent actually visiting with the inmate.	57%	28%	3%	6%	6%
d. The inmate's children enjoy the visiting time.	33%	25%	14%	8%	9%
e. Searching prison visitors is a necessary part of maintaining prison security.	61%	29%	5%	4%	1%
f. Correctional officers are generally courteous to visitors.	32%	32%	17%	12%	7%
g. I am satisfied with the level of security at the visiting park.	45%	41%	9%	2%	3%
h. When the inmate's children visit, there are things to keep the children occupied.	9%	6%	13%	19%	53%
i. When I visit, the inmate benefits.	76%	19%	3%	2%	0%
j. When I visit, I benefit.	74%	18%	4%	3%	1%
k. When I talk to the inmate on the phone, the inmate benefits.	75%	19%	3%	3%	0%
l. When I talk to the inmate on the phone, I benefit.	70%	21%	6%	3%	0%
m. Visiting family members can talk freely with the inmate.	50%	36%	8%	5%	1%
n. When developing rules and regulations, the Department of Corrections considers the burden that the rules may have on innocent family members.	14%	23%	19%	22%	22%

Q21. Does the institution you visit offer any of the following services to families of prisoners?

	Yes	No
a. Marriage counseling or relationship building programs	6%	94%
b. Family building counseling or programs	6%	94%
c. Children's activities in the visiting park	5%	95%
d. Religious programs for both the inmate and the family	33%	67%

Q22. Please check the box next to the word or words that best describe the visiting experience:

	No	Yes		No	Yes
Emotional	43%	57%	Exciting	77%	23%
Tense	81%	19%	Educational	88%	12%
Stressful	65%	35%	Boring	88%	12%
Dangerous	97%	3%	Restless	87%	13%
Comfortable	70%	30%	Spiritual	86%	14%
Happy	39%	61%	Restrictive	62%	38%

Q23. Have you seen any positive visiting policies or programs at any institutions?

Yes	24%	No	76%
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Attending chapel services on Sunday morning

Permitting children to have games, crayons and coloring books and areas to play

Providing canteens

Treating visitors with respect and kindness

Permitting hand holding and sitting together

Providing programs like Kairos and Promise Keepers

Permitting the taking of instant photos

Providing children with inmate-made toys at Christmas and inviting family members for holiday events at night

Permitting family members to send stamped self-addressed envelopes and sheets of paper

Q24. Do you have any additional comments that you would like to make concerning the impact that visiting policies, phone policies and mail policies have on families? (N=198)

Visitor check-in is too slow	(55 respondents)
Telephone rates are too high	(45 respondents)
Officers are perceived as rude	(44 respondents)
Visitors must wait in weather conditions	(41 respondents)
No activities for children	(33 respondents)
Vending machines are poorly maintained and costly	(27 respondents)
No ability to send "care packages"	(23 respondents)
Pre-approved call lists delays calls	(21 respondents)
10-minute call limit is too short	(17 respondents)
No advance information on visiting policies	(16 respondents)
Telephones frequently out-of-order	(15 respondents)
Telephones located in noisy area	(12 respondents)

PLEASE RETURN YOUR COMPLETED QUESTIONNAIRE BY AUGUST 28, 1998 TO:

**HOUSE CORRECTIONS COMMITTEE
ROOM 326 HOB 402 S. MONROE STREET
TALLAHASSEE, FL 32399-1300**